



PERMANENT ADMINISTRATIVE ORDER

BLPCT 1-2021

CHAPTER 833
MENTAL HEALTH REGULATORY AGENCY
OREGON BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

FILED

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FILING CAPTION: Compliance with the Governor's Executive Orders during a Governor declared emergency.

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REPEAL: Temporary 833-110-0041 from BLPCT 6-2020

RULE TITLE: Compliance with the Governor's Executive Orders during a Governor declared emergency.

NOTICE FILED DATE: 02/24/2021

RULE SUMMARY: This new rule sets forth that failure to comply with any applicable provision of a Governor's Executive Order, including failure to comply with Oregon Health Authority guidance, constitutes gross negligence. Violations are subject to Board sanction.

RULE TEXT:

- (1) During a Governor declared emergency, gross negligence includes failing to comply with any applicable provision of a Governor's Executive Order or any provision of this rule.
- (2) Failing to comply as described in subsection (1) includes, but is not limited to:
 - (a) Engaging in the practice of a profession required by an Executive Order to be closed;
 - (b) Operating a business required by an Executive Order to be closed;
 - (c) Failing to comply with the requirements of Oregon Health Authority (OHA) guidance implementing an Executive Order, including but not limited to:
 - (A) Failing to screen clients in accordance with OHA guidance prior to providing services;
 - (B) Failing to limit the number of individuals inside the premises or implement other protocols necessary to maintain physical distancing of six (6) feet;
 - (C) Failing to implement OHA guidance on mask and face coverings; and
 - (D) Failing to clean and disinfect in accordance with OHA guidance.
 - (d) Failing to comply with any requirements of a Board of Licensed Professional Counselors and Therapists guidance implementing an Executive Order.
- (3) No disciplinary action or penalty action shall be taken under this rule if the Executive Order alleged to have been violated is not in effect at the time of the alleged violation.
- (4) The Board may impose sanctions for violations of this rule in accordance with ORS 675.745.

Note: Copies of the Governor's Executive Orders are available at:

<https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>

Copies of Oregon Health Authority Guidance are available at: <https://govstatus.egov.com/OR-OHA-COVID-19>

STATUTORY/OTHER AUTHORITY: ORS 675.785 - 675.835, ORS 676.160 - 676.180

STATUTES/OTHER IMPLEMENTED: ORS 675.745, ORS 675.785, EO 20-03